



Mary F. Schiavo
Licensed in DC, FL, MD, MO, SC

South Carolina Office
Direct Dial 843.216.9138
Direct Fax 843.216.9440
mschiavo@motleyrice.com

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
o. 843.216.9000
f. 843.216.9450

321 South Main St.
Providence, RI 02903
o. 401.457.7700
f. 401.457.7708

One Corporate Center
20 Church St., 17th Floor
Hartford, CT 06103
o. 860.882.1681
f. 860.882.1682

275 Seventh Ave., 2nd Floor
New York, NY 10001
o. 212.577.0040
f. 212.577.0054

320 Chestnut St.
Morgantown, WV 26505
o. 304.413.0456
f. 304.413.0458

www.motleyrice.com

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December 7, 2010

VIA ELECTRONIC MAIL

Honorable Alvin K. Hellerstein
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Denied. Leave may be requested at oral argument, to the extent appropriate.
12/15/10
[Signature]

Re: **In re September 11 Litigation, 21 MC 101 (AKH)**
Bavis v. United Airlines, Inc. et al., 02-CV-7154 (AKH)

Dear Judge Hellerstein:

I write in my capacity as counsel for Plaintiff Mary Bavis, Personal representative of the Estate of Mark Bavis. On Friday, December 3, 2010, counsel for Globe Aviation Services Corporation ("Globe") filed their "Reply in Support of Its Motion To Enforce Litigation Agreement And for Dismissal of Claims Asserted in *Bavis* Action." Globe's reply papers contained selective portions of deposition testimony, but those selections mischaracterize the deposition testimony as a whole and especially concerning what Globe employees knew or should have known with respect to the photographing and videotaping of Globe security checkpoints by suspicious persons prior to September 11, 2001. An example of what Globe left out of their misleading reply is attached. Your July 16, 2009, Opinion and Order Resolving Discovery and Evidentiary Motions expressly states "The trial against the Aviation Defendants will focus on what they knew and should have known about Terrorist threats to civil aviation, and on what they did and should have done to protect against such threats."

The Bavis Plaintiffs believe that the Court and the record would benefit from, a short sur-reply. We respectfully request permission to file a sur-reply to Defendant's Reply in Support of Its Motion To Enforce Litigation Agreement And for Dismissal of Claims Asserted in *Bavis* Action.

Respectfully submitted,

Mary Schiavo

Mary Schiavo
MOTLEY RICE LLC

cc: (by e-mail)
Don Migliori, Wrongful Death and Personal Injury Plaintiffs' Liason
Desmond T. Barry, Jr. Esq., Aviation Defendants' Liaison Counsel

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Robert A. Clifford, Esq., Property Damage Liaison Counsel
Jeannette Vargas., U.S. Attorney's Office
Richard A. Williamson, Counsel for Plaintiffs World Trade Center Prop.
Katherine L. Pringle, Esq., WTC 7 Ground Defendants' Liaison Counsel